REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on June 26, 2006. A petition for a one month extension of time is submitted herewith. The Director is authorized to charge $120.00 for the petition for extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-553 on the account statement.

Claims 1-12 are pending in this application. Claims 13-20 were previously withdrawn. In the Office Action, Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, Claims 1-12 are rejected under 35 U.S.C. §102 and Claims 1-12 are rejected under obviousness-type double patenting. In response Claims 1, 3 and 12 have been amended, and Claims 2 and 6 have been canceled. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claim 1 to recite, in part, the elements of Claim 6. Applicants have canceled Claims 2 and 6 without prejudice or disclaimer.

Regarding the rejection of Claim 6, Applicants respectfully submit that the phrase "similar to those of a roller dried product" is sufficiently clear to one having ordinary skill in the art. The term "similar" means having a likeness or resemblance (e.g. related in appearance or nature). In addition, a roller dried product is made by a well known technology in the food industry used for drying a food product, which gives the product certain properties or qualities associated with the accompanying process. Because a roller dried product has readily known properties, the extruded product recited in Claim 6 that is similar to a roller dried product can be determined. As a result, Applicants respectfully submit that, by using terminology generally known in the food industry, the skilled artisan would understand the metes and bounds of the subject matter of Claim 6.

Applicants have amended Claim 3 for clarification purposes. The amendment is supported in the specification, for example, at page 4, lines 18-19. Regarding Claim 6,

Applicants respectfully submit that "intermediates" refers to the components of the starch profile other than amylopectin and amylose. As understood by the skilled artisan in view of the specification, the support for this assertion can be found in the specification, for example, at page 4, lines 20-21. Applicants respectfully submit that Claim 12 has been amended to address the informalities cited by the Patent Office. Based on at least these noted reasons, Applicants believe that Claims 1-12 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1-12 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,997,934 to Geromini et al. ("*Geromini*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 recites, in part, a process comprising pressing the mixture using a gear pump with the gear pump forcing the mixture first into a heat exchanger and cooking the mixture in the heat exchanger to provide a gelatinization degree of at least 85% before the mixture passes through the extrusion die. The extruded product comprises a starch profile having respective proportions of 40-70% amylopectin, 5-22% intermediates and 15-35% amylose. In contrast, Applicants respectfully submit that the cited references fails to disclose or suggest every element of Claim 1.

Geromini fails to disclose or suggest a process comprising pressing the mixture using a gear pump with the gear pump forcing the mixture first into a heat exchanger and cooking the mixture in the heat exchanger to provide a gelatinization degree of at least 85% before the mixture passes through the extrusion die as required, in part, by Claim 1. *Geromini* also fails to disclose or suggest the extruded product comprises a starch profile having respective proportions of 40-70% amylopectin, 5-22% intermediates and 15-35% amylose as required, in part, by Claim 1. For example, as taught by figure 1, *Geromini* discloses a cooking device 1 before the gear pump 3 and another cooking device 2 after the gear pump 3. These cooking devices can be a single-screw or a twin-screw extruder. See, *Geromini*, column 2, lines 50-56.

In contrast to *Geromini*, the claimed process works with low-shear technology, for example, similar to roller drying to reach a product having the initial starch profile of the starting raw material. This is not the case with the technology as taught by *Geromini*. Instead, according to *Geromini*, a first cooking is followed by a second cooking, which takes more time than the

first cooking. Consequently, the profile of the obtained starch in *Geromini* has an amylopectin content of less than 40 % and an amylose content of less than 15 %, which is the normal profile of a starch after having passed through these types of extruder-cooking.

On the contrary, according to the present invention, a first mixture of the ingredients with water around room temperature is passed through the gear pump and the mixture is subsequently submitted to a cooking. For example, the cooking can be carried out in a heat exchanger. A reason for this is to have a reduced shearing so that the extruded product comprises a starch profile having respective proportions of 40-70% amylopectin, 5-22% intermediates and 15-35% amylase in accordance with the present claims.

For at least the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 2-12 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 1-12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-7 of U.S. Patent No. 5,997,934. Applicants respectfully submit that, at this state of the prosecution, it would be premature to file a terminal disclaimer because the instant claims have not yet been allowed, and thus, the final version of these claims is not yet known. However, upon allowance of Claims 1-12, Applicants will consider filing a terminal disclaimer relative to U.S. Patent No. 5,997,934.

Accordingly, Applicants respectfully request that the provisional rejection of Claims 1-12 under obviousness-type double patenting be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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